

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NYCOMED US INC.,

Plaintiff,

-against-

GLENMARK GENERICS LTD., et al.,

Defendants.

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MEMORANDUM
AND ORDER

08-CV-5023 (CBA)

NYCOMED US INC.,

Plaintiff,

09-CV-5123 (CBA)

-against-

PERRIGO ISRAEL PHARMACEUTICAL,
LTD., et al.,

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In a scheduling order issued on June 14, 2010 in the two above-captioned related actions, this Court set a deadline of July 29, 2010 for serving rebuttal expert disclosure. According to defendants Glenmark and Perrigo, plaintiff Nycomed has stated its intent to submit rebuttal declarations from two experts, Drs. Michniak-Kohn and Palmieri, but has not complied with the July 29th deadline because, Nycomed claims, that deadline does not apply to a party that included a declaration from an expert in its opening brief.

On reflection, the referenced portion of the June 14th Order was inartfully drawn. The Court's intent, however, was made clear in a conference with the parties prior to the issuance of the Order. See Transcript of Proceeding on May 20, 2010 at 46-47. Therefore, Nycomed

shall disclose its rebuttal expert declarations by noon on August 10, 2010, or shall be precluded from offering any expert opinions not previously disclosed.

SO ORDERED.

Dated: Brooklyn, New York
August 9, 2010

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE